

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq.; the "Act") and Chapter 342D, Hawaii Revised Statutes, and Chapters 11-54 and 11-55, Administrative Rules, Department of Health, State of Hawaii,

**UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE**

(hereinafter "PERMITTEE"),

is authorized to discharge storm water associated with the construction activities from the Tern Island Shore Protection Project, Phase I - Rock Revetments A & B and Small Boat Ramp located at Tern Island, French Frigate Shoals, Northwest Hawaiian Islands, to the receiving water named the Pacific Ocean between the following coordinates:

Discharge Points	Coordinates		To	Coordinates	
	Latitude	Longitude		Latitude	Longitude
Revetment A (Sta. 0+73 to Sta. 2+50)	23°52'08"N	166°17'21"N	To	23°52'08"N	166°17'19"N
Revetment A (Sta. 4+50 to Sta. 36+16)	23°52'09"N	166°17'18"N	To	23°52'24"N	166°16'58"N
Revetment B (Sta. 2+90 to Sta. 5+50)	23°52'05"N	166°17'18"N	To	23°52'05"N	166°17'15"N
Small Boat Ramp	23°52'05"N	166°17'21"N	-	-	-

in accordance with the general requirements, discharge monitoring requirements and other conditions set forth herein, and in the attached Department of Health "Standard NPDES Permit Conditions," dated December 31, 2002.

All references to Title 40 of the Code of Federal Regulations (CFR) are to regulations that are in effect on July 1, 2001, except as otherwise specified. Unless otherwise specified herein, all terms are defined as provided in the applicable regulations in Title 40 of the CFR.

This permit will become effective _____.

This permit and the authorization to discharge will expire at midnight, **December 31, 2005**.

Signed this ___ day of _____, 2004.

(For) Director of Health

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A. GENERAL REQUIREMENTS

The Permittee shall:

1. Comply with all materials submitted in and with the application, dated August 5, 2003 and all subsequent submittals dated, August 22, 2003, September 12, 2003, November 26, 2003, December 8, 2003 and December 12, 2003.
2. Retain a copy of the application, including other related materials, and this permit at the job site or at a nearby field office.
3. Design, operate, implement, and maintain the project site BMPs plan to ensure that storm water discharges associated with construction activities will not cause or contribute to a violation of applicable state water quality standards.
4. Implement the project site BMPs plan as often as needed to improve the quality of storm water discharges or when instructed by the director.
5. Not cause or contribute to a violation of the basic water quality criteria as specified in Hawaii Administrative Rules (HAR), Chapter 11-54, Section 11-54-04.
6. Submit the following site-specific information on the Clean Water Branch (CWB) NOI Form C (Rev. 11/20/2002), as applicable, to the CWB for review and comment at least 30 days prior to the start of construction activities:
 - a. Section 7. - Show the locations and details of the equipment/vehicle and concrete drum wash areas;
 - b. Section 15.a.ii.(7) - Show on a map/drawing the areas used for the storage of soils or wastes;
 - c. Section 15.a.ii.(8) - Show on a map/drawing the location(s) where stabilization practices are expected to occur;
 - d. Section 15.a.ii.(9) - Show on a map/drawing the location(s) and descriptions of all structural controls;
 - e. Section 15.a.ii.(10) - Show on a map/drawing the areas where vegetative practices are to be implemented;
 - f. Section 15.b. - Provide the construction BMPs plan; and

g. Section 15.c. - Provide the site-specific construction BMPs plan.

All related concerns and/or comments pertaining to the above listed items shall be properly addressed to the CWB's satisfaction before the start of construction activities.

7. Immediately stop, reduce, or modify construction, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.
8. Inspect, at a minimum of once per week, the receiving state waters, storm water runoff and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04. (e.g., the permittee shall look at storm water discharges and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)
9. Review the effectiveness and adequacy of the implemented site-specific BMPs plan(s) and sediment and erosion control plan(s) at a minimum of once per week, and update the plan as often as necessary. Any changes(s) to the site-specific BMPs plans and/or sediment and erosion control plans or correction(s) to information already on file with the Department of Health (DOH) shall be submitted to the CWB as such change(s) or correction(s) arises.
10. Submit signed copies of all reports required by this permit to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378
11. Include the following certification statement and signature on each submittal in accordance with HAR, Chapter 11-55, Section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the

information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

Include the NPDES permit number on each submittal. Failure to provide the assigned NPDES permit number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

12. Submit any changes to information on file with the DOH as soon as changes arise.

B. REPORTING REQUIREMENTS

The Permittee shall:

1. Complete and submit the enclosed Solid Waste Disclosure Form for Construction Sites to the Office of Solid Waste Management as specified on the form.
2. Submit any changes to information on file with the CWB as soon as changes arise. The Permittee shall properly address all related concerns and/or comments to the DOH's satisfaction.
3. Notify the CWB upon termination of the discharge activities.
4. Immediately notify the director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in section 16 of DOH "Standard NPDES Permit Conditions," dated December 31, 2002.

C. BEST MANAGEMENT PRACTICES

1. The Permittee shall:
 - a. Refrain from performing any work during heavy rainstorms.
 - b. Prevent loose particles, sand, soil, silt, and other construction debris at the project site from being washed away by storm water runoff to the various swales and drainage ways and eventually to the State waters.
 - c. Remove excavated materials as soon as possible or at the end of each work day. The excavated materials shall be disposed of to a State and/or County approved landfill site.
 - d. Not discharge water used for dust control to State waters.
 - f. Assure that the implemented BMPs are effective and the discharge effluent is in compliance with the basic State water quality standards.
2. The following special conditions apply to all land disturbance work conducted under this permit:
 - a. Construction Management Techniques
 - (1) Clearing and grubbing shall be held to the minimum necessary for grading and equipment operation.
 - (2) Construction shall be sequenced to minimize the exposure time of the cleared surface area.
 - (3) Construction shall be staged or phased for large projects. Areas of one phase shall be stabilized before another phase is initiated. Stabilization shall be accomplished by temporarily or permanently protecting the disturbed soil surface from rainfall impacts and runoff.
 - (4) Erosion and sediment control measures shall be in place and functional before earth moving operations begin. These measures shall be properly constructed and maintained throughout the term of the project.
 - (5) All control measures shall be checked and repaired as necessary, for example, weekly in dry periods and within twenty-four hours after any rainfall of 0.5 inches or greater within a 24-hour period. During

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prolonged rainfall, daily checking is necessary. The permittee shall maintain records of checks and repairs.

- (6) The permittee shall maintain records of the duration and estimated volume of storm water discharge(s).
- (7) A specific individual shall be designated to be responsible for erosion and sediment controls on each project site.

b. Vegetation Controls

- (1) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than twenty calendar days prior to land disturbance.
- (2) Temporary soil stabilization with appropriate vegetation shall be applied on areas that will remain unfinished for more than thirty calendar days.
- (3) Permanent soil stabilization with perennial vegetation or pavement shall be applied as soon as practical after final grading. Irrigation and maintenance of the perennial vegetation shall be provided for thirty calendar days or until the vegetation takes root, whichever is shorter.

c. Structural Controls

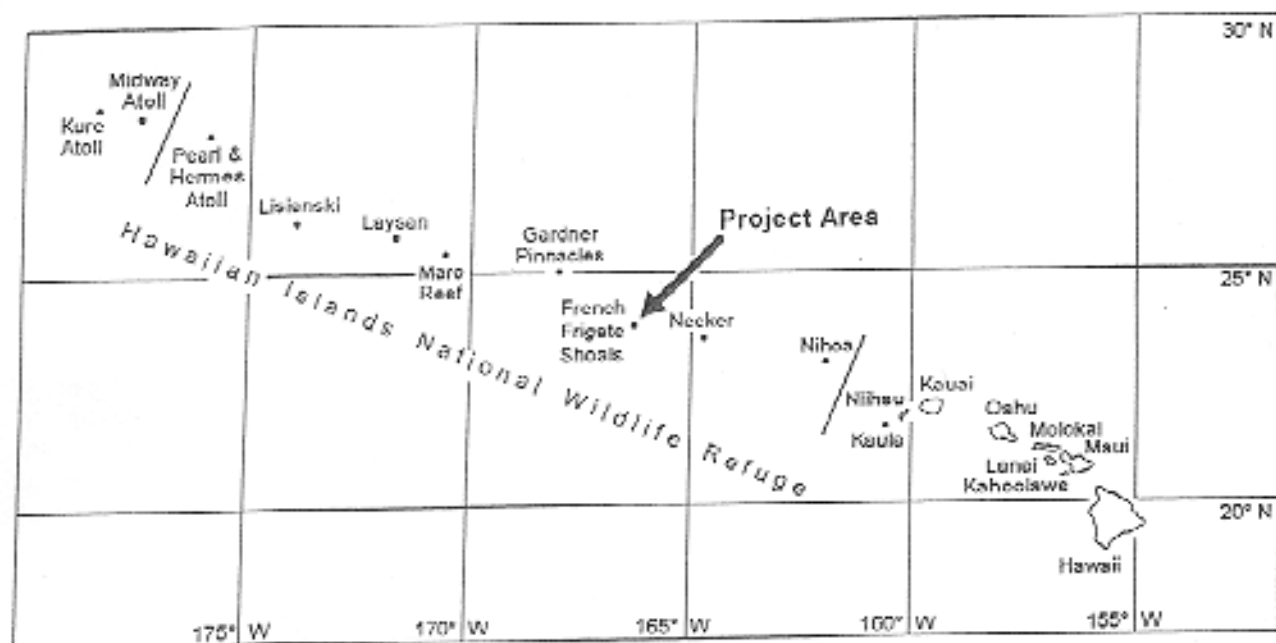
- (1) Storm water flowing toward the project area shall be diverted by using appropriate control measures, as practical.
- (2) Erosion control measures shall be designed according to the size of disturbed or drainage areas to detain runoff and trap sediment.
- (3) Water must be discharged in a manner that the discharge shall not cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.

D. MAPS

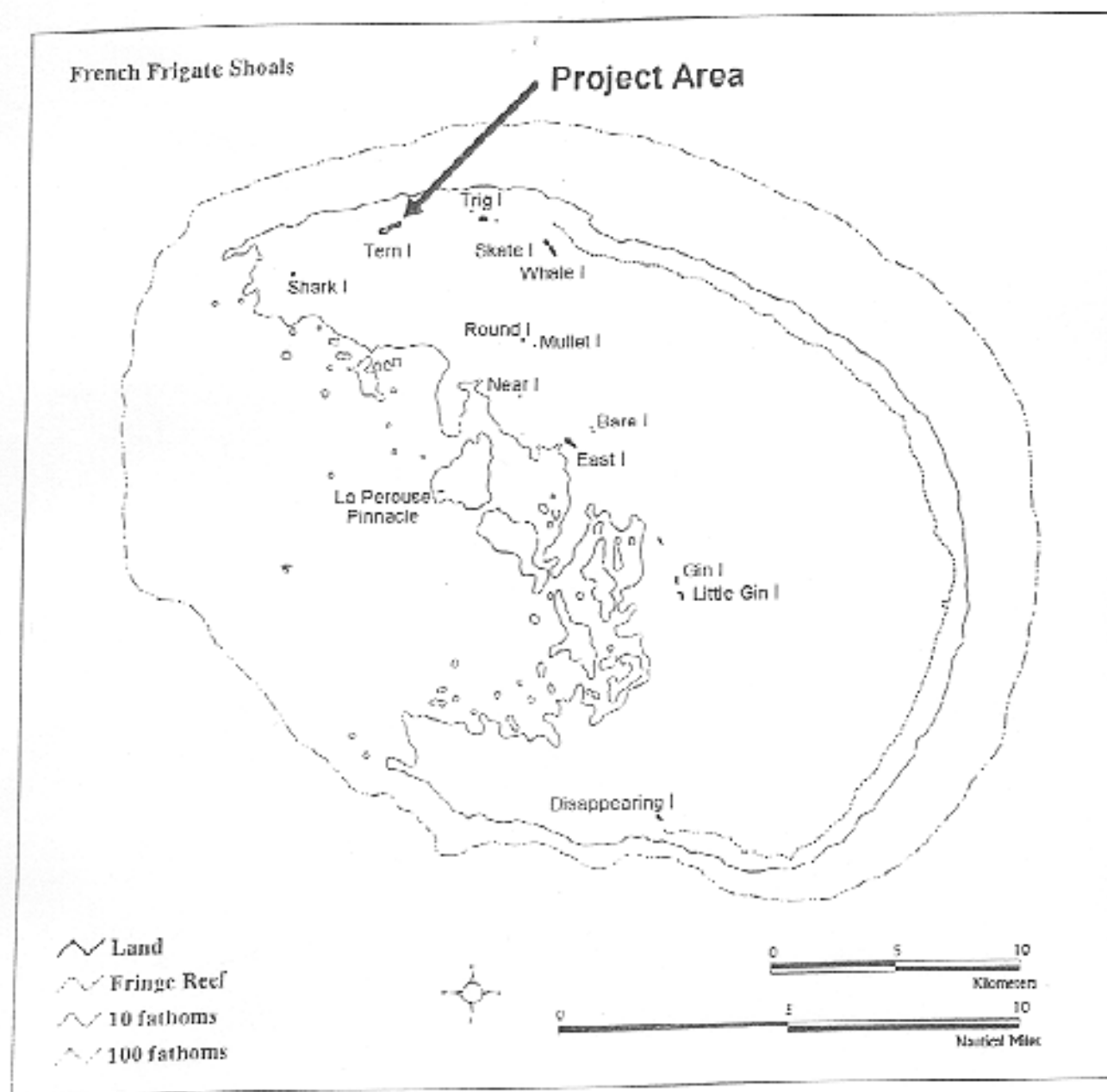
See attached maps.

01004PRM.04b

Hawaiian Islands National Wildlife Refuge



French Frigate Shoals and Tern Island



Tern Island, French Frigate Shoals



Shell Beach

Crab Beach

East Beach
(ephemeral)

South Beach

Existing Features

— Sheet Pile Bulkhead

--- Shoreline

--- Runway

— Structure

New Shore Protection

== Rock Revetment

--- Sheet Pile

